

REMARKS

All the pending claims were rejected as being unpatentable in view of Wu '979 in view JP and Wu '937. Applicants respectfully traverse. Wu '979 is directed to a film/nonwoven laminate that uses a polycaprolactone polymer where the laminate is stretched after lamination to form the finished product. In contrast, the claimed film laminate uses a stretched filed biodegradable film that does not use polycaprolactone. In contrast, Wu '979 stretches the film after it has been laminated.

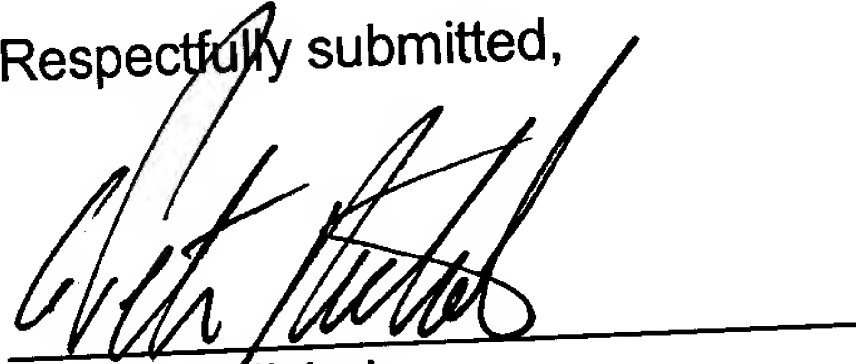
JP fails to remedy this deficiency. JP simply teaches the use of a particulate material as a bulking agent. JP, however, does not teach or suggest a film containing a filler to achieve a water vapor transmission rate greater than the claimed amount of 3000 g/m²/24 hr. In fact, as shown in Comparative Example C, one skilled in the art cannot simply look to Wu '979 and JP and conclude that the claimed water vapor transmission rate will result. Accordingly, the proposed combination does not teach or suggest the claimed materials.

Further looking to Wu '937 still does not teach or suggest that the claimed material because the suggested combination still does not teach the resulting water vapor transmission rate. Accordingly, the Examiner's proposed combination does not render the present claims unpatentable. Applicants respectfully request withdrawal of the rejection.

659/1516 (K-C 14934)
USSN 09/752,017
Response to April 15, 2003 Office Action

If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4276 to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Peter Nichols", is written over a horizontal line.

G. Peter Nichols
Attorney for Applicant
Registration No. 34,401
Customer No. 00757

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

AMENDMENT

LISTING OF CLAIMS:

The following listing supplants all prior listings of the claims.

1. (Currently Amended) A breathable, biodegradable/compostable laminate material comprising:
 - a. a biodegradable nonwoven material selected from the group comprising aliphatic polyesters; polylactides; polyhydroxybutyrate-co-valerates; sulfonated polyethylene terephthalates; blends or mixtures thereof; and
 - b. a ~~stretched~~, filled, biodegradable film stretched from about 100 to about 500 percent of its original length and selected from the group consisting of aliphatic polyesters; polylactides; polyhydroxybutyrate-co-valerates; sulfonated polyethylene terephthalates; and blends or mixtures thereof;wherein the breathable, biodegradable/compostable laminate material has a water vapor transmission rate that is greater than about $3000 \text{ g/m}^2/24\text{hr}[[;]]$
~~wherein the biodegradable nonwoven material comprises aliphatic polyesters; polylactides; polyhydroxybutyrate-co-valerates; sulfonated polyethylene terephthalates; blends or mixtures thereof.~~
2. (Canceled)
3. (Original) The breathable, biodegradable/compostable laminate material of Claim 1, wherein the biodegradable nonwoven material comprises polybutylene succinate.
4. (Original) The breathable, biodegradable/compostable laminate material of Claim 1, wherein the filled, biodegradable film includes aliphatic polyesters; polylactides; polyhydroxybutyrate-co-valerates; polycaprolactones; sulfonated polyethylene terephthalates; blends or mixtures thereof.

5. (Currently Amended) The breathable, biodegradable/compostable laminate material of Claim 1, wherein the filled, biodegradable film ~~include~~ includes a filler selected from clay, silica, alumina, powdered metals, glass microspheres, calcium carbonate, barium sulfate, sodium carbonate, magnesium carbonate, magnesium sulfate, barium carbonate, kaolin, carbon, calcium oxide, magnesium oxide, aluminum hydroxide, titanium dioxide, talc, mica, wollastonite, latex particles, particles of thermoplastic elastomers, pulp powders, wood powders, cellulose derivatives, chitin, chitozan powder, organosilicone powders, polyacrylic acid, magnesium sulfate, sodium sulfite, sodium hydrogen sulfite, sodium sulfate, sodium hydrogen sulfate, sodium phosphate, sodium hydrogen phosphate, sodium carbonate, sodium hydrogen carbonate, potassium carbonate, sodium hydroxide, potassium hydroxide, sodium chloride, potassium chloride, or mixtures thereof.
6. (Original) The breathable, biodegradable/compostable laminate material of Claim 5, wherein the filler comprises calcium carbonate.
7. (Original) The breathable, biodegradable/compostable laminate material of Claim 1, wherein a filler comprises from about 10 to about 70 percent by weight of the filled, biodegradable film.
8. (Original) The breathable, biodegradable/compostable laminate material of Claim 7, wherein the filler comprises from about 30 to about 60 percent by weight of the filled, biodegradable film.
9. (Canceled)
10. (Canceled)
11. (Canceled)

12. (Original) The breathable, biodegradable/compostable laminate material of Claim 1, further wherein the filled, biodegradable film is stretched.

13. (Previously Amended) A method of making a breathable, biodegradable/compostable laminate material comprising:

stretching a filled, biodegradable film to form the breathable, biodegradable/compostable laminate material from about 100 to about 500 percent of its original length; and,

subsequently laminating a biodegradable nonwoven material selected from the group consisting of aliphatic polyesters; polylactides; polyhydroxybutyrate-co-valerates; sulfonated polyethylene terephthalates; and blends or mixtures thereof and a the filled, biodegradable film to form the breathable, biodegradable/compostable laminate material;

~~further comprising the step of stretching the filled, biodegradable film before laminating to the biodegradable nonwoven material;~~

wherein the breathable, biodegradable/compostable laminate material has a water vapor transmission rate that is greater than about $3000 \text{ g/m}^2/24\text{hr}[:,:]$

~~wherein the biodegradable nonwoven material comprises aliphatic polyesters; polylactides; polyhydroxybutyrate-co-valerates; sulfonated polyethylene terephthalates; blends or mixtures thereof.~~

14. (Canceled)

15. (Original) The method of Claim 13, wherein the biodegradable nonwoven material comprises polybutylene succinate.

16. (Original) The method of Claim 13, wherein the filled, biodegradable film includes aliphatic polyesters; polylactides; polyhydroxybutyrate-co-valerates; polycaprolactones; sulfonated polyethylene terephthalates; blends or mixtures thereof.

17. (Original) The method of Claim 13, wherein the filled, biodegradable film includes a filler selected from clay, silica, alumina, powdered metals, glass microspheres, calcium carbonate, barium sulfate, sodium carbonate, magnesium carbonate, magnesium sulfate, barium carbonate, kaolin, carbon, calcium oxide, magnesium oxide, aluminum hydroxide, titanium dioxide, talc, mica, wollastonite, latex particles, particles of thermoplastic elastomers, pulp powders, wood powders, cellulose derivatives, chitin, chitozan powder, organosilicone powders, polyacrylic acid, magnesium sulfate, sodium sulfite, sodium hydrogen sulfite, sodium sulfate, sodium hydrogen sulfate, sodium phosphate, sodium hydrogen phosphate, sodium carbonate, sodium hydrogen carbonate, potassium carbonate, sodium hydroxide, potassium hydroxide, sodium chloride, potassium chloride, or mixtures thereof.
18. (Original) The method of Claim 17, wherein the filler comprises calcium carbonate.
19. (Original) The method of Claim 13, ~~wherein the filler comprises~~ further comprising a filler in an amount from about 10 to about 70 percent by weight of the filled, biodegradable film.
20. (Original) The method of Claim 19, wherein the filler comprises from about 30 to about 60 percent by weight of the filled, biodegradable film.
21. (Canceled)
22. (Canceled)
23. (Canceled)
24. (Canceled)

659/1516 (K-C 14934)
USSN 09/752,017
Response to April 15, 2003 Office Action

25. (Original) The method of Claim 13, wherein the biodegradable nonwoven material and the filled, biodegradable film are laminated using a thermal bonding process.